

Minutes
City of Burlington Plan Commission
Police Dept. Courtroom
October 14, 2008, 6:30 p.m.

Mayor Miller called the Plan Commission meeting to order this Tuesday evening at 6:30 p.m. followed by roll call: Aldermen Tom Vos and Steve Rauch; Commissioners John Lynch, Darrel Eisenhardt, Bob Schulte, Bob Henney and Burlington High School Representative Ashley Kennedy were present. Commissioner Darrel Eisenhardt was excused. Town of Burlington Representative Phil Peterson and Catholic Central High School Representative Lauren Celano were absent. Also present were: Alderman Katie Simenson, City Administrator Kevin Lahner, City Planner Patrick Meehan of Meehan & Company, Inc. and Building Inspector/Zoning Administrator Patrick Scherrer.

APPROVAL OF MINUTES

Alderman Vos moved and Commissioner Lynch seconded to approve the minutes of September 9, 2008. All were in favor and the motion carried.

CITIZEN COMMENTS

None.

PUBLIC HEARINGS

- A. A Public Hearing to consider a Conditional Use Application from Stelling and Associates, Inc. on behalf of the CATHE Center for property to be located at 125 E. State Street to use as a child daycare center.**

Mayor Miller opened the public hearing at 6:34 p.m.

There were no comments.

Commissioner Lynch moved and Commissioner Vos seconded to close the public hearing. All were in favor and the motion carried. The public hearing was closed at 6:35 p.m.

OLD BUSINESS

- A. Consideration to approve a Conditional Use Application for Sacred Image Tattoo Shop to be located at 580/84 N. Pine Street.**

Mayor Miller opened this issue for discussion.

Commissioner Lynch stated that he visited the current location of Sacred Image Tattoo Shop on Chestnut Street and spoke with the owner Christopher Haase. He further stated that after the visit he supports the conditional use request.

Commissioner Henney stated that Mr. Haase attended the Historic Preservation Commission meeting and the HPC is also in support of this business to locate on Pine Street.

Christopher Haase approached the commission explaining that he intends to keep his business “low key” and respectable and will include an art gallery. He further stated that he visited neighboring businesses and received great response from most, however there were a couple who did not support the type of business.

Patrick Meehan reminded the commission that the hours of business and amount of people in the shop at one time will need to be determined if the commission votes to approve the conditional use.

Al Strebecki, 572 N. Pine Street, stated that he feels this type of business promotes a bad image for downtown Burlington.

Ralph Zampano, Zumpano’s Restorante, 180 E. Chestnut Street, stated he is in support of the shop locating on Pine Street.

Chad McDonald, 241 E. Chestnut Street, stated he lives upstairs from the current location of Sacred Image and has had no problems with noise or nuisance around his residence.

Commissioner Lynch moved to approve the Conditional Use with the hours of 10 a.m.–10 p.m., with a total of ten employees and/or patrons in the building at one time and Commissioner Henney seconded to approve a Conditional Use for Sacred Image Tattoo Shop at 580/84 N. Pine Street, subject to Kapur and Associates’ August 22, 2008 and Patrick Meehan’s August 31, 2008 memorandums to the Plan Commission as follows:

- The facility needs to be properly licensed pursuant to ch. HFS 173 of the Wisconsin Administrative Code and meet the applicable requirements set forth in Chapter 284 of the Code of the City of Burlington.
- That all principal structures are not less than 300 feet from the lot lines of schools. [Note: The proposed location of the proposed conditional use meets this requirement.]
- That a window to the establishment is large enough to provide an unobstructed view of the persons in the waiting area.
- That the Plan Commission shall approve the hours of operation and the number of persons to be allowed in the establishment at one time. [Note: The applicant has indicated that the desired hours of operation be from 10 AM to 10 PM Monday through Saturday but the applicant has not indicated the maximum number of persons to be allowed in the establishment at one time (this will need to be determined by the Plan Commission).]
- That proof of licensure of the establishment and all practitioners working therein shall be submitted to the City annually.
- That the Conditional Use Permit is not transferable to a new owner or operator of the establishment.

All in favor and the motion carried.

NEW BUSINESS

A. Consideration to approve a Conditional Use Application for the CATHE Center for property located at 125 E. State Street to use as a child daycare center.

Mayor Miller opened this issue for discussion.

Commissioner Lynch questioned if there have been any issues with parking. Patrick Meehan and Patrick Scherrer stated that there have been no complaints.

Alderman Vos questioned if there needs to be an outside playground. Patrick Meehan stated there is currently one in place and is on the site plan. There were no further comments.

Commissioner Lynch moved and Alderman Vos seconded to approve a Conditional Use Permit for the CATHE Center at 125 E. State Street, subject to Kapur and Associates' October 7, 2008 and Patrick Meehan's September 28, 2008 memorandums to the Plan Commission as follows:

- The "Conditional Use Site Plan," 1 Sheet No. C100, dated revised 9/12/08 as prepared by Stelling & Associates Architects, Ltd.
- The "Floor Plans (Life Safety Plan and Code Data)," 1 Sheet No. G100, dated revised 9/12/08 as prepared by Stelling & Associates Architects, Ltd.
- Application materials submitted in support of the initial day care center Conditional Use application as set forth in Meehan & Company, Inc.'s memorandum to the Plan Commission dated June 30, 2006.
- If any additional outdoor lighting is proposed, all of the requirements of Sections 315-27.1(H) and 315-27.1(I) of the Zoning Ordinance need to be met for the new outdoor lighting including the plot plan indicating location of luminaires, installation height, overall illumination in footcandles, the submission of a catalog page, cut sheet, or photograph of the luminaire including the mounting method, a graphic depiction of the luminaire lamp or bulb concealment, and graphic depiction of light cutoff angles.
- Trash Dumpsters and Garbage Receptacles: All trash dumpsters and garbage receptacles shall meet the requirements of Section 217-27.1(G) of the City Zoning Ordinance.
- Pursuant to the requirements of Section 315-137C(9), the type, size, and location of all signs (grounded-mounted signs) with sign dimensions need to be noted on the Site Plan.
- Pursuant to the requirements of Section 315-137C(26), any existing or proposed easements need to be noted/labeled on the Site Plan (including existing ingress/egress easements).
- All of those applicable original conditions of the year 2006 approval of the initial conditional use grant (which were not modified by the current proposed expansion of the conditional use).

- That all applicable State of Wisconsin regulations (including Chapter HFS 46 "Group Child Care Centers for Children" of the Wisconsin Administrative Code pertaining to "Group Child Care Centers") be followed.

All in favor and the motion carried.

B. Consideration to approve a Site Plan Application from George Beronja for property located at 2165 Stonegate Road to construct a shed in the landscape easement.

Mayor Miller opened this issue for discussion.

Alderman Vos stated he doesn't see a problem with constructing the shed if it isn't a permanent structure.

Patrick Scherrer approached the commission explaining the landscape easement requirements according to the Declaration, Deeds and Restrictions Agreement for the subdivision. He further stated that this particular easement does not have a berm like much of the rest of the subdivision and because of that is able to support a structure. He advised the commission to recommend the Declaration, Deeds and Restrictions be amended to address constructing in the landscape easement, as this could come up again in the future.

Commissioner Henney questioned if utilities will be run to the shed. Mr. Scherrer stated he doesn't believe so, however it is possible.

Rick Streiter, Stonegate Development Group, LLC, stated he does not see a problem with amending the agreement as long as it does not affect natural landscape or water flow for run-off patterns.

Commissioner Schulte questioned if the commission could approve construction now before the weather becomes bad, as long as an amendment will be made to the agreement. Mayor Miller stated this would be allowable, however other residents of the subdivision will be required to wait until the agreement is amended.

Commissioner Schulte moved and Alderman Vos seconded to approve a Site Plan for George Beronja at 2165 Stonegate Road, subject to an amendment to the Glen at Stonegate Declaration of Restrictions, Covenants and Easements.

All in favor and the motion carried.

C. Consideration to approve a Site Plan Application from RKW Redi-Mix for property located at 801 Brookview Avenue to construct a vehicle storage building.

Mayor Miller opened this item for discussion.

There were no comments.

Alderman Vos moved and Commissioner Henney seconded to approve a Site Plan for a vehicle storage building from RKW Redi-Mix at 801 Brookview Avenue, subject to Kapur and

Associates' October 7, 2008 and Patrick Meehan's September 27, 2008 memorandums to the Plan Commission as follows:

- Section 315-48(B) requires that no off-street parking space be less than 9 feet in width and 180 square feet in area. Off-street parking spaces will need to be revised from 162 ft. as shown.
- A grading plan needs to be provided for the proposed building including a floor elevation and drainage patterns and submitted to City staff for review.
- Silt fence will need to be added along Longmeadow Drive to prevent sediment from washing into the street.

All in favor and the motion carried.

D. Consideration to approve a Site Plan Application from RKW Redi-Mix for property located at 812 Brookview Avenue to construct a concrete plant.

Mayor Miller opened this item for discussion.

Michael Topczewski of Stelling & Associates, Inc., architects for this project, stated they have had discussions with Kapur & Associates, Inc. regarding engineering issues as stated in the October 7, 2008 Kapur & Associates memorandum.

Patrick Meehan reminded the owners of RKW Redi-Mix that a land consolidation of Outlot 1 will need to be done.

Administrator Lahner stated that the owners are currently working with the City and the City Attorney to purchase Outlot 1 from the City.

Alderman Vos questioned if the lot will have its own tax key number. Administrator Lahner stated it would and that the lot will have a cross access easement. There were no further comments.

Commissioner Schulte moved and Alderman Rauch seconded to approve a Site Plan for a concrete plant from RKW Redi-Mix at 812 Brookview Avenue, subject to Kapur and Associates' October 7, 2008 and Patrick Meehan's September 27, 2008 memorandums to the Plan Commission as follows:

- Under the provisions of Section 278-86 "Definitions" of the Subdivision of Land Ordinance of the City, an "outlot" can be either redivided in to lots or combined with one or more other adjacent outlots or lots in adjacent subdivisions or minor subdivisions in the future for the purpose of creating buildable lots. Since the subject property is currently a portion of an unbuildable "outlot," one of the above will need to be accomplished by the applicant.
- If the subject property is to be combined with Lot 1 of the Burlington Industrial Complex Second Addition Subdivision, the applicant will need to accomplish a land consolidation pursuant to the definition of a "Land Consolidation" under Section 315-140 of the City Zoning Ordinance as follows: "LAND CONSOLIDATION — The combining of two or more separate existing parcels of land or existing lots, or portions thereof, through the actor

process of the combination of tax key numbers, lot line adjustment, the exchange of property between abutting property owners, subdivision platting, certified survey map, or condominium platting. [Added 11-19-2002 by Ord. No. 1702(16)]" If the subject property is to be combined with Lot 1 of the Burlington Industrial Complex Second Addition Subdivision, it is recommended that the applicant provide written proof to the City of Burlington that such a land consolidation has taken place prior to the City's issuance of a Building Permit.

- The submitted plans need to meet the following requirements of Section 315-137(C) of the City Zoning Ordinance.
- Stormwater management computations need to be provided demonstrating the regulations set by DNR 151 are being met. Currently no stormwater practices are in place. Due to the amount of land disturbance required stormwater management is required both by the Department of Natural resources and the City of Burlington.
- Erosion Control appears to be a major problem with the existing Roadway. An onsite inspection revealed large amounts of dirt, dust, and sediment on Brookview Avenue, the storm sewer system and at the outlet from the storm sewer to the property. A maintenance plan needs to be created for this to assure that this is cleaned up and continues to be maintained.
- Details need to be included in the plan set. It should have all the necessary details including but not limited to: silt fence detail, pavement section, Rip-Rap, matting, retaining walls, sanitary and water details, etc.
- We will require copies of all permits, including the watermain connection, sewer connection, and the Notice of Intent to Grade.

All in favor and the motion carried.

E. Consideration to approve the Detailed Site Plans for Riverview Village Apartments to be located on the north and south sides of N. Pine Street and Chestnut Street to construct three six-unit apartment buildings and one two-family dwelling.

Warren Hansen of Farris, Hansen and Associates, Inc. gave a brief overview of updates to the apartment project. He stated that the overall site plan has stayed the same since the plans were introduced in July, however a landscape berm will be added for screening. He further stated that the developers would like to begin site and underground work yet this year and have the buildings completed in 2009. There were no comments.

Alderman Vos moved and Commissioner Lynch seconded to approve Detailed Site Plans for Riverview Village Apartments, subject to Kapur and Associates' October 7, 2008 and Patrick Meehan's October 4, 2008 memorandums to the Plan Commission, as follows:

- A revised Landscape Plan must be submitted which meets all of the plant material requirements of a Type 5, 20-foot wide landscape bufferyard on the northeast side of the property where the proposed Rm-4 District development abuts the M-2 District. [Note:

Lesser plant materials could be planted if the bufferyard is widened and plant material numbers adjusted to meet the requirements of one of the other (wider) bufferyard options set forth in Table 12; the choice is the developer's if a reduced number of required plant materials is desired by the developer.]

- The 6-foot tall solid fence must be extended an additional 63 feet to the corner of the subject property. A revised Landscape Plan will need to be submitted which indicates the 6-foot tall solid fence still extended an additional 63 feet to the corner of the subject property.
- A revised detailed Landscape Plan, indicating the correct number of plant materials required in all landscape bufferyards must be provided as part of the "Detailed Plan" submission and needs to meet all of the requirements of Section 315-138 titled "Landscape Plans" of the City Zoning Ordinance.
- Dimensions must be indicated for the proposed monument sign proposed for Lot 1 and submitted to the City as part of the "Detailed Plans" submission.
- No new public streets are proposed by the developer, however, the proposed private street name (if any) must be submitted for staff review for public safety purposes.
- The "Detailed Plans" shall be revised to correct the north and west inverts on Catch Basin #8 from 964.30 to 764.30. The developer shall provide a copy of the DNR watermain and sanitary sewer extension permits, the DNR Notice of Intent, Chapter 30 permit if required by the DNR and pond certification to the City.
- The applicant addressing any issues raised by the City Administrator, City Engineer, or City Attorney.
- The completion of a PUD Development Agreement in a form acceptable to the City Attorney.

All in favor and the motion carried.

F. Consideration to approve an extension to a Conditional Use Permit (CUP) for two years for J.W. Peters located at 500 W. Market Street.

Alderman Rauch questioned what the hours of business are stating it sounds like work is done 24 hours a day. Mayor Miller stated the quarry operates from 6 a.m. to 6 p.m.

Alderman Vos questioned if several consecutive reviews are approved could the length of the CUP be extended for more than two years. Patrick Scherrer replied by stating he does a review once a year regardless if it comes before the Plan Commission. There were no further comments.

Alderman Vos moved and Alderman Rauch seconded to approve an extension to a Conditional Use Permit for J.W. Peters located at 500 W. Market Street for a term of two years.

All in favor and the motion carried.

G. Consideration to approve an extension to a Conditional Use Permit (CUP) for three years for Great Lakes Components at 496 S. Pine Street.

There were no comments.

Commissioner Lynch moved and Alderman Rauch seconded to approve an extension to a Conditional Use Permit for Great Lakes Components at 496 S. Pine Street.

All in favor and the motion carried.

OTHER MATTERS

None.

ADJOURNMENT

Commissioner Lynch moved and Alderman Rauch seconded to adjourn the meeting at 7:10 p.m. All were in favor and the motion carried.

Adjourned at 7:10 p.m.

Recording Secretary
Megan E. Johnson
Assistant to the City Administrator